IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SECOND DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

-

WRIT PETITION NO : 23766 of 2004

Between:

M/s Tirumala Rocks, Rep. by its Proprietor Sri R. Madhu,
Sattipalli, Renigunta, Chittoor District.

.... PETITIONER

AND

1 The Superintendent Engineer, SPDC of A.P. Limited

(Operations Division) AP Transco, Tirupathi,
Chittoor District.
2 The Divisional Engineer, (Operations) AP Transco,

Tirupathi, Chittoor District.
3 The Assistant Divisional Engineer, (Operations) AP

Transco, Renigunta, Chittoor District.
4 The Deputy Engineer, (Meters), AP Transco, Chittoor,
Chittoor District.
5 The Chief Managing Director, A,.P. Transco, Vidyuth

Soudha, Hyderabad.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the Respondents in disconnecting the power supply to the petitioner Industry service connection No. 09116000295 without waiting for the decision in EMC No. 5 of 2004 on the file of the Special Court for Indian Electricity

Act at Hyderabad which was transferred to the Special Tribunal/District Court at Chittoor on abolition of Special Court at Hyderabad is contrary to the judgment in W.P.No. 11519 of 2002, dated 27-1-2004 and further direct the respondents to restore the power supply to the petitioner industry ie., M/s Tirumala Rocks, Industrial Estate, Settipalli, Renigunta, Chittoor District forthwith and pass such other order or orders as this Hon'ble Court may deem fit in the interests of justice.

Counsel for the Petitioner: MR.K.UMAPATHY

Counsel for the Respondents: MR.KANAKAMEDALA RAVINDRA KUMAR

The Court made the following:

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ORDER: -

Petitioner was issued an order of provisional assessment, and thereafter, an order of final assessment levying a sum of Rs. 2,31,119/- towards `back billing'. Aggrieved thereby, he approached this Court by filing W.P.No.11519 of 2002. The writ petition was disposed of on 27.01.2003, leaving it open to the petitioner to avail the alternative remedy of approaching the Special Court constituted for the purpose. The petitioner had filed E.M.C.No.5 of 2003, before the Special Court constituted under the Indian Electricity Act. Much before filing the writ petition, the petitioner paid half of the amount covered by the final assessment order on 23.4.2002. The grievance of the petitioner is that the Special Court was disbanded on account of the change in law, and even before the proceedings are transmitted to the proper Forum, the respondents disconnected the power supply on 16.12.2004, and it seeks appropriate directions in this regard.

2. Heard learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

3. The order of final assessment is appealable. Earlier, the Forum used to be a Special Court. With the enactment of Electricity Act, 2003, the appellate power is now conferred upon the Superintending Engineer. Once the Special Court was disbanded, E.M.C.NO.5 of 2003 was required to be transmitted to the appellate authority. Even before any steps were taken, the power supply to the petitioner was disconnected.

4. Having regard to the facts of the case, the respondents are directed to restore the power supply to the petitioner forthwith, without insisting on payment of any amount covered by the order of final assessment. To avoid further complications, the petitioner is permitted to present an appeal before the Superintending Engineer, against the order of final assessment. If the same is filed within four weeks from

today, it shall be received and treated as having been filed within limitation.

5. Accordingly, the writ petition is disposed of. There shall be no order as to costs.

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L.NARASIMHA REDDY, J

Dated : 22.12.2004

Note:- Issue operative portion by wire

at party's cost.

(B/o)

RAR/TS

To

1 The Superintendent Engineer, SPDC of A.P. Limited

(Operations Division) AP Transco, Tirupathi,
Chittoor District.

2 The Divisional Engineer, (Operations) AP Transco,

Tirupathi, Chittoor District.

3 The Assistant Divisional Engineer, (Operations) AP

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Soudha, Hyderabad.

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